

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

HUBERT DUPIGNY,

Defendant.

18-CR-528-1 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 30, 2025, Defendant Hubert Dupigny, proceeding without counsel, filed another attack on his conviction and sentence in this case, this time styled as a “Writ Of Error Coram Nobis Pursuant To All Writs Act (28 U.S.C.S. § 1651).” ECF No. 423. The Court is inclined to treat the motion as a second or successive motion pursuant to 28 U.S.C. § 2255 and, thus, to transfer it to the Court of Appeals. *See, e.g., Liriano v. United States*, 95 F.3d 119, 122–23 (2d Cir. 1996); *Clark v. Carpa*, No. 14-CV-0356 (SJF), 2014 WL 2993560, at *4 n.4 (E.D.N.Y. July 1, 2014); *see also, e.g., Brooks v. United States*, No. 94-CR-729 (PKC), 2023 WL 3819374, at *4 n.4 (E.D.N.Y. June 5, 2023) (discussing whether and when a coram nobis petition should be treated as a second or successive Section 2255 motion (citing cases)).


No later than **February 19, 2025**, the Government shall file a letter, not to exceed five pages, addressing whether the Court should do so. Defendant may file a response (which should also address whether he would prefer to withdraw the motion in the event that the Court were to treat it as a second or successive Section 2255 motion) no later than **March 5, 2025**.

The Clerk of Court is directed to mail a copy of this Order to Defendant at:

Hubert Dupigny
Reg. No. 56457-054
FCI Gilmer
P.O. Box 6000
Glenville, WV 26351

SO ORDERED.

Dated: February 12, 2025
New York, New York



JESSE M. FURMAN
United States District Judge